

**OFFICE OF ADMINISTRATIVE LAW**

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William L. Gausewitz, Director



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Chief Counsels  
Regulation Coordinators

Re: 2005 Rulemaking Calendar and Legislative Reporting Requirements

As the new year will soon begin, we would like to take this opportunity to remind you that the law requires every state agency responsible for implementing a statute that requires interpretation pursuant to the Administrative Procedure Act to prepare, by January 30, a rulemaking calendar for the year. This law requires that the rulemaking calendar be (1) prepared in accordance with a format specified by the Office of Administrative Law (OAL), (2) approved by the head of the department or, if the rulemaking agency is an entity other than a department, by the officer, board, commission, or other entity which has been delegated the authority to adopt, amend, or repeal regulations, and (3) published in the California Regulatory Notice Register (Notice Register). (Gov. Code, § 11017.6.) As you may be aware, the Notice Register is available online and may be accessed through our website, which is: <http://www.oal.ca.gov>.

Please note that this law provides that the preparation of the rulemaking calendar does not preclude adoption of a regulation that is not included in the rulemaking calendar, but which is required by circumstances not reasonably anticipated at the time that the rulemaking calendar is prepared.

For your convenience, we are enclosing two forms for displaying the information required by Government Code section 11017.6. Schedule A is for proposed regulations implementing statutes enacted during the year 2004. Schedule B is for proposed regulations implementing statutes enacted prior to the year 2004. The forms can also be downloaded from our website.

Additionally, this law requires state agencies to inform the Legislature of actions they are taking to implement newly enacted statutes. Specifically, this law requires the following:

(1) When a statute is enacted establishing a new program or requiring interpretation pursuant to the Administrative Procedure Act, the state agency responsible for the program or regulatory action is required, six months after the operative date or the effective date of the statute, whichever is later, to issue a clear and concise summary of actions taken to implement the statute to the author of the statute, the policy committees in each house of the Legislature that considered the statute and, if the statute has been considered by the fiscal committee of either house of the Legislature, to the Joint Legislative Budget Committee and to the fiscal committee of each house of the Legislature that considered the statute. (Gov. Code, §11017.5(a).)

(2) The state agency responsible for the program or regulatory action is also required to send copies of all regulations proposed to implement the statute, and notice of any hearings held on those regulations before those hearings are held, to the author of the statute, so long as the author is a Member of the Legislature. (Gov. Code, §11017.5(b).)

(3) A state agency is further required to send its rulemaking calendar to the author of each statute enacted during the previous year for which the agency has responsibility, together with an explanation of the priority the agency has given the statute in the rulemaking calendar. (Gov. Code, §11017.6(b).)

*Special Note on Publication*

Please keep in mind that the Rulemaking Calendar will be reproduced for publication exactly as received, so it is important to send us an original document. *Please remember to fill in your agency name in the top heading on the form.* We request that you submit your Rulemaking Calendar on a diskette as well. As an alternative to submitting a diskette, you may submit your Rulemaking Calendar to me electronically at [mfong@oal.ca.gov](mailto:mfong@oal.ca.gov).

Because of the limitation of state resources in recent years, the Office of State Publishing will not be publishing the entire Rulemaking Calendar in hard copy with the Notice Register in 2005 but will instead publish the Rulemaking Calendar on a CD-ROM that will be included with that week's Notice Register to all subscribers. When the Rulemaking Calendar is ready for publication, a special note will appear in that week's edition of the Notice Register announcing the publication of the Rulemaking Calendar and explaining various methods for accessing it. The Rulemaking Calendar will be posted on our website, and a very limited number of hard copies will be available upon request. Agencies may also post their individual rulemaking calendar on their website. Please submit your completed Rulemaking Calendar to OAL by **January 30, 2005**. If you have any questions, please contact me at (916) 324-7952 or by e-mail at [mfong@oal.ca.gov](mailto:mfong@oal.ca.gov). You may also contact our Reference Attorney at (916) 323-6815 or at [staff@oal.ca.gov](mailto:staff@oal.ca.gov).

Thank you for your attention to these matters.

Sincerely yours,

Melvin Fong  
Legal Assistant

Attachments